



ZONING ADMINISTRATOR NOTICE OF DECISION

Date: September 25, 2014
Applicant: South Bay Recycling, Inc.
Case No.: PCC-14-053
Address: 2560 Main Street
Project Planner: Miguel Z. Tapia, AICP

Notice is hereby given that on September 25, 2014 the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-14-053 filed by South Bay Recycling, Inc. ("Permittee/Operator") requesting approval to operate a recycling collection center ("Project"). The Project is located at 2560 Main Street ("Project Site"). The Project Site is zoned Commercial Thoroughfare with Precise Plan overlay (CTP) by the Chula Vista Municipal Code (CVMC), and is designated as Commercial Retail (CR) by the General Plan. The Project is more specifically described as follows:

The Project consists of the establishment and operation of the South Bay Recycling Center at 2560 Main Street, Suite B. The recycling center will occupy a suite of approximately 2,520 sq. ft. within an existing 15,478 sq. ft. commercial/industrial building. No improvements to the building are being proposed. This building is located in a site that contains several buildings occupied by commercial/industrial businesses on Main Street within the CTP zone. The recycling center will accept plastic, glass, CRV, and non-ferrous materials from the general public. Those materials will be collected, bundled, and transferred to a second stage recycling processor off-site. All of the recycling operations will be conducted inside the building. The recycling center will be open Monday through Friday 9 AM to 5 PM and Saturday 8 AM to 5 PM. It will be closed on Sundays. The recycling center will have two employees on duty at any one time, with a maximum of four.

The Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act and has determined that the project qualifies for a Class 1 categorical exemption pursuant to Section 15301 (use of existing facilities) of the State CEQA Guidelines. Thus no further environmental review is necessary.

- The Zoning Administrator, under the provisions of Sections 19.14.030 and 19.58.345 of the Chula Vista Municipal Code, has conditionally approved said request based upon the following findings of facts as required by CVMC Section 19.14.080:

1. *That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community.*

The proposed project will serve as a public convenience by providing a service necessary for recycling efforts in the area. Recycling centers are desirable uses because they provide the opportunity for the general public to have a convenient place to exchange their recyclables and contribute to the better utilization of resources and improvement of the

environment. The proposed use will not interfere with the existing uses in the area, or impact activities or conveniences enjoyed by the general public.

2. ***That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.***

Provision of this particular business will provide a useful service by ensuring availability of such services to personal users. The center's location within an existing commercial/industrial center along Main Street allows for easy public access, and its location on the site will minimize impacts that may be a nuisance to the general public or other business operations in the area.

3. ***That the proposed use will comply with the regulations and conditions specified in the code for such use.***

Approval of this conditional use permit is contingent on the Permittee and Property Owner's commitment to satisfy all conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code for recycling collection centers. The conditions of this permit are approximately in proportion to the nature and extent of the impact created by the use in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the use. The Permittee has committed to implement and satisfy all conditions of approval for the proposed use, and will comply with all City zoning regulations, where applicable, as well as General Recycling Center regulations provided by Public Works Conservation Services.

4. ***That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.***

The proposed use, as conditioned, is in conformance with the City of Chula Vista General Plan and Zoning Ordinance. The Zoning Ordinance allows the establishment of recycling centers in the CTP zone subject to review and approval of a conditional use permit. The conditions imposed on the proposed are intended to insure that the establishment and operation of the use are consistent with the intent and purpose of the CTP zone and General Plan Land Use designations. Furthermore, the use as proposed and conditioned will not adversely affect the policy and goals of the General Plan or other adopted governmental plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-14-053, as described above subject to the following conditions and operational modifications:

- I. **Prior to occupancy of building and beginning of operation of the proposed Recycling Center and prior to the issuance of any permits required by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Permittee shall satisfy the following requirements:**

1. The Property Owner and the Permittee shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and Permittee have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 days shall indicate the Property Owner/Permittee's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

Signature of Representative

Date

Signature of Authorized Property Owner

Date

Planning Division Conditions:

2. The Project Site and building shall be occupied and maintained in accordance with the approved PCC-14-053 plans, which include the site plan, floor plan, building elevation (photos), and proposed business identification signs as originally submitted on July 21, 2014 and revised August 13, 2014 subject to the following conditions contained herein, and the Zoning Ordinance (Title 19). Substantial modifications in any of the operational parameters shall require a modification of this conditional use permit.
3. The recycling center shall be open Monday through Friday 9 a.m. to 5 p.m. and Saturday 8 a.m. to 5 p.m. It will be closed on Sundays. The recycling center will have two employees on duty at any one time, with a maximum of four.
4. The Permittee shall obtain a business license for the establishment and operation of the recycling center.
5. Applicant shall obtain approval of a Sign Permit application and pay the required fee from the City prior to installation of the proposed signs.
6. The Permittee shall permit a final inspection of the recycling center by the Development Services Department staff to ensure that the conditions of approval listed in the conditions above have been met.
7. The Project shall operate in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68

Land Development/Engineering Conditions:

8. If the Permittee is required to obtain a building permit for required site improvements that exceed \$50,000, then the Permittee will also be required to process a construction

permit to construct missing, or damaged street improvements along the frontage of the property. These street improvements include, but are not limited to the following:

- Removal and replacement of any broken curb, gutter or sidewalk as determined by the City Engineer.
- All sidewalks, pedestrian ramps, and driveways that do not comply with the City of Chula Vista's Design Standards and ADA requirements

Public Works/Conservation Division Conditions:

9. The Applicant/Permittee shall adhere to the following general recycling center conditions to the satisfaction of the Environmental Services Program Manager:
 - a. Every Permittee shall maintain a written record and make an annual report of refuse, recyclables purchased, received or collected to the Environmental Services Program Manager. The report shall be made on a form acceptable to the Program Manager and include but not be limited to: characterization by material types, tonnage, destination (processing, end use or disposal) and total customers. The report shall be delivered to the Program Manager no more than 30 days following the end of the calendar year. The report may be cumulative for all Chula Vista sites the Permittee may operate.
 - b. Permittee shall maintain a written record of transactions for a minimum of five (5) years and make such records available, onsite, during regular business hours, with two business days' notice by the City's Program Manager. The transaction record shall include but not be limited to: characterization by material type weight, total customers and jurisdiction of the customers.
 - c. Permittee will pay for or take for free all recyclable materials and will not require or accept payment to receive materials from its customers.
 - d. Permittee will not accept nor pick up mixed waste materials, garbage, rubbish or refuse as defined in the Chula Vista Municipal Code Sections 8.24 and 8.25. The facility is being permitted as a recycling facility only and not a waste processing or transfer station. The total amount of waste generated at the facility may not exceed 10% of the monthly volumes.
 - e. Permittee shall maintain sanitary premises at all times, shall contract with the City's franchise agent (Republic Services (619) 421-9400) for removing, conveying and disposing of non-recyclable wastes generated at the facility and maintain a waste receptacle for use by Permittee's customers during all operating hours. Onsite compactors are for densifying recyclable materials and not for trash service.
 - f. Permittee shall cooperate with City recycling projects including but not limited to: promoting City sponsored solid waste management events, allow the City to place drop-off collection bin(s) at their facility, and assist the City and residents regarding their use. These bins would be placed for the public benefit to recycle materials that cannot currently be recycled at the Permittee's center (such as

mixed paper). The City's contractor or the recycling center operator may service these bins by mutual agreement.

- g. Permittee shall develop and implement a policy that discourages the theft of materials from other legitimate recycling and solid waste diversion programs, to include staff training on how to initiate discussion with the public informing them that the center will not accept stolen material including material in a shopping cart, curbside bin, refuse or recycling cart.
- h. Additionally, during all hours of operation, the recycling center shall place a sign to the general public that reflects the anti-theft policy as follows:

"Material placed for collection at the curb, in multi-family or commercial bins for recycling may be removed and conveyed only by the City and/or its agents. At the City's request, (Permittee Company Name) must consider materials brought to it in City bins, or shopping carts to be stolen and will not accept the items."

"Únicamente los empleados de Republic Services y La Ciudad de Chula Vista cuentan con autorización para remover material reciclable dentro de cualquier contenedor puesto a colección. La Ciudad de Chula Vista reserva el derecho a solicitar que (Name of Recycler) considere robado e inaceptable el material traído en contenedores pertenecientes a las agencias mencionadas o en carros de tiendas "

- i. Permittee shall submit a list of commodities accepted at the center to the Program Manager for approval. The list shall not be altered without prior written consent of the Program Manager. The City shall not unreasonably withhold a request by the Permittee to add or remove an item.
- j. Permittee will remove all improper disposal and shopping carts from the public thoroughfare that are within 500 feet of the entrance and/or exit of their operation, as frequently as necessary, to keep the public thoroughfare free of carts and debris – but no less than daily, at the close of each business day. The Permittee shall also arrange for the return of carts to the proper retailer and proper recycling or disposal of abandoned materials.
- k. Permittee is aware of the regulations regarding signage within the City and will adhere to those regulations as well as all other local state and federal laws or regulations.
- l. Permittee shall comply with Chula Vista Municipal Code 14.20 Storm Water Management and Discharge Control. The Permittee shall implement storm water Best Management Practices (BMPs) and prohibit the discharge of pollutants to the storm drainage system. The Permittee shall implement liquid waste and spill response control measures at the facility by providing a liquid waste receptacle for residents to discard excess waste from bottles, cans, and other recyclable materials. All collected liquid waste should be disposed of properly. The Permittee shall keep spill response materials on hand such as dry absorbent material, brooms, and dust pans. Before the close of business each working day,

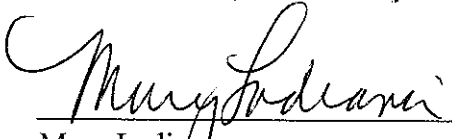
the Permittee shall sweep the facility, clean up any staining caused by spills, and dispose of all trash. The Permittee shall implement good housekeeping measures at the facility and provide training to all employees regarding storm water pollution prevention.

II. The following on-going conditions shall apply to the subject property as long as it relies upon this approval.

10. Complaint(s) regarding the Project for any reason, and any alleged violation of the Municipal Code or conditions of approval of this Conditional Use Permit, which have been formally submitted to the Code Enforcement Division, but which have not been resolved to the satisfaction of the Director of Development Services, will cause this use permit approval to be reconsidered pursuant to CVMC Section 19.14.270. This procedure may result in a public hearing before the City Zoning Administrator to consider continuance, modification, revocation, or payment of applicable fines, as determined by the Zoning Administrator.
11. The Permittee shall ensure that employees supervise the recycling collection center during all hours of operation.
12. The Permittee shall strictly enforce standard policy that the recycling collection center and the immediate surrounding area are kept free of trash and debris.
13. The Permittee shall ensure that all recycling materials are inside the building, and no recyclables or other items are stored outside the building.
14. The Permittee is required to implement Best Management Practices (BMPs) to the maximum extent practicable to prevent the discharge of pollutants into storm drain systems. City inspectors may require additional BMPs if selected BMPs are determined to be inadequate or ineffective.
15. The Permittee is required to maintain outdoor areas clean and free of trash and other pollutants by practicing good housekeeping measures including:
 - Keeping the parking, recycling, and storage areas clean and orderly. Remove debris in a timely fashion
 - Providing an adequate number of trash receptacles
 - Providing a suitable container for emptying water bottles and soda cans, etc. before recycling. Do not empty such containers on the center or into storm drains
 - Cleaning out and cover litter receptacles frequently to prevent spillage
 - Routinely sweep and collect litter and dispose in the trash
 - Using dry cleaning methods (e.g., sweeping, vacuuming) instead of hosing recycling areas. Power washing is permitted only if wash water is collected and disposed in the sanitary sewer
 - Not allow non-storm water discharges to the storm drain
 - Having spill kits available at the center at all times
 - Cleaning up spills immediately, and appropriately dispose of spilled materials and absorbents

- Preventing vandalism or illegal dumping on or near the center
16. Approval of this Conditional Use Permit shall not waive compliance with all sections of Title 19 (Zoning) of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance.
 17. This Conditional Use Permit authorizes only the use specified in the application for PCC-14-053. Any new use or modification/expansion of the use shall be subject to the review and approval of the Zoning Administrator.
 18. The Project shall maintain compliance with the City's Municipal Code noise standards. If the City finds that the Project does not meet the Municipal Code noise standards, the City may revoke or modify the permit.
 19. The Permittee/Operator shall and does hereby agree to indemnify, protect, defend and hold harmless City, its Council members, officers, employees, agents and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorneys' fees (collectively, "liabilities") incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this conditional use permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein. Permittee/Operator shall acknowledge their agreement to this provision by executing a copy of this conditional use permit where indicated, above. Permittee's/Operator's compliance with this provision is an express condition of this conditional use permit and this provision shall be binding on any and all of Permittee's/Operator's successors and assigns.
 20. This Conditional Use Permit shall become void and ineffective if not utilized or extended within the time allotted in Section 19.14.260 of the Municipal Code.
 21. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
 22. If any of the foregoing conditions fails to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Permittee or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 25th day of September 2014



Mary Ladiana
Zoning Administrator